IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 11111 of 2007(W)

AGAINST THE ORDER IN EA 140/2007 IN EP 159/1972 IN EA 139/2007 of SUB COURT,NEYYATTINKARA

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PETITIONERS:

1. SUNDARAM PILLA, AGED 52,
   S/O.CHELLAPPAN PILLA, OTTUKUZHI ROADARIKATHU PUTHEN VEEDU, CHERIYAKOTTA DESOM, KUNNATHUGAL VILLAGE, PANACHAMOODU, PIN-695 505.

2. GOPAKUMAR, S/O.KUMARASAMY PILLA, AGED 45 YEARS, OOTTUKUZHIVILAKAM PURAYIDAM, CHERIYAKOTTA DESOM, KUNNATHUGAL VILLAGE, PANACHAMOODU, PIN- 695 505.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT:

K.V.PURUSHOTHAMAN, KEEZHARA VEEDU, MELOOR VILLAGE, MUKUNDAPURAM TALUK, THIRUVANANTHAPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P. (C) No. 11111 of 2007

Dated this the 29th day of March, 2007

JUDGMENT

The 1st petitioner is one of the sons of the plaintiff in O.S. No.816/1985 on the file of the Munsiff's Court, Neyyattinkara and he is one of the defendants in that suit. The 2nd petitioner, it is submitted is also one of the defendants in the said suit O.S. No.816/1985. In execution of the partition decree in O.S.159/1972 on the file of the Sub Court, Neyyattinkara when the court ordered delivery vide order in E.P.7/1994, it is submitted, that the brother of the 2nd petitioner filed writ petition 9842/2007 challenging the order of delivery and that was dismissed by this court vide order dated 22.3.2007. It is further submitted that the brother of the 2nd petitioner who moved W.P. (C) No. 9842/2007 is a party in both O.S. 159/1972 on the file of the Sub Court, Neyyattinkara and in O.S.No.816/1985 on the file of the Munsiff's Court, Neyyattinkara. The petitioners herein are now set up to avoid the decree in O.S. 159/1972 being

executed by the decree holder/plaintiff. I do not see any merit in this writ petition and the petitioner is not entitled to any interim relief either. This writ petition seeking for stay of delivery, in the circumstances, is not maintainable and is dismissed.

K.P. BALACHANDRAN, JUDGE.

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/True copy/

P.A to Judge